

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 127

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO RULES OF THE ROAD AND SAFETY RESTRAINT USE; AMENDING SECTION 49-673, IDAHO CODE, TO REVISE A PROVISION RELATING TO GROSS VEHICLE WEIGHT, TO REVISE EXCEPTIONS, TO REVISE PROVISIONS RELATING TO ISSUANCE OF A CITATION AND TO DELETE LANGUAGE PROVIDING THAT ENFORCEMENT MAY BE ACCOMPLISHED ONLY AS A SECONDARY ACTION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-673, Idaho Code, be, and the same is hereby amended to read as follows:

49-673. SAFETY RESTRAINT USE. (1) Except as provided in section 49-672, Idaho Code, and subsection (2) of this section, each occupant of a motor vehicle which has a gross vehicle weight of not more than ~~eight~~ ten thousand (~~8~~10,000) pounds, and which was manufactured with safety restraints in compliance with federal motor vehicle safety standard no. 208, shall have a safety restraint properly fastened about his body at all times when the vehicle is in motion.

(2) The provisions of this section shall not apply to:

(a) An occupant of a motor vehicle who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety restraint;

(b) Occupants of motorcycles, and implements of husbandry ~~and emergency vehicles;~~

(c) Occupants of seats of a motor vehicle in which all safety restraints are then properly in use by other occupants of that vehicle; or

(d) Mail carriers.

(3) (a) A citation may be issued to:-

~~(i) Any occupant of the motor vehicle aged eighteen (18) years or older including, but not limited to, the operator of such motor vehicle, who fails to wear a safety restraint as required in this section; and. Provided however, that if any such occupant or occupants are aged fourteen (14) years or younger, then the operator of the motor vehicle, but not such occupant or occupants fourteen (14) years of age or younger, may be issued a citation. It shall be deemed a single violation regardless of the number of occupants aged fourteen (14) years or younger not properly restrained.~~

~~(ii) The operator of the motor vehicle if the operator is aged eighteen (18) years or older and any occupant under eighteen (18) years of age fails to wear a safety restraint as required in this section. For purposes of this paragraph (a)(ii), it shall be deemed a single violation regardless of the number of occupants not properly restrained.~~

(b) A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), with five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund, as set forth in section 57-813, Idaho Code. A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

~~(4) A citation may be issued to the operator of the motor vehicle if the operator is under eighteen (18) years of age and the operator or any other occupant who is under eighteen (18) years of age fails to wear a safety restraint as required in this section. For purposes of this subsection, it shall be deemed a single violation regardless of the number of occupants not properly restrained. A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund as set forth in section 57-813, Idaho Code, plus court costs. A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code. In addition, a conviction under this subsection shall not be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.~~

~~(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when the operator of the motor vehicle has been detained for a suspected violation of another law.~~

~~(6) The department shall initiate and conduct an educational program, to the extent sufficient private donations or federal funds for this specific purpose are available to the department, to encourage compliance with the provisions of this section and to publicize the effectiveness of use of safety restraints and other restraint devices in reducing risk of harm to occupants of motor vehicles.~~

~~(75) The department shall evaluate the effectiveness of the provisions of this section and shall include a report of its findings in its annual evaluation report on the Idaho highway safety plan which it submits to the national highway traffic safety administration and federal highway administration pursuant to 23 U.S.C. section 402.~~

~~(86) The failure to use a safety restraint shall not be considered under any circumstances as evidence of contributory or comparative negligence, nor shall such failure be admissible as evidence in any civil action with regard to negligence.~~

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.